

REMARKS

The Applicant respectfully requests entry of the above amendment and reconsideration in view of the amendment and the following remarks.

None of the above amendments address issues of patentability and Applicants respectfully reserves all rights they have under the Doctrine of Equivalents.

In response to the rejection of claims 3-5 under 35 USC 112, 2nd ¶, as being indefinite, it is clear that the claims are not indefinite, although "formed by" is not the conventional Markush language, those skilled in the art would understand the claim, so it is not indefinite under 35 USC 112, 2nd ¶. There is no requirement in the statute or rules to use "the conventional Markush language". As an introduction to a list of alternative compounds, a "group comprising" is clearly equivalent to a "group formed by".

The claims are definite and distinguished from the citations and Applicant respectfully requests the allowance of all claims.

The Commissioner is hereby authorized to credit any overpayment or charge any fee (except the issue fee) including fees for any required extension of time, to Account No. 14-1270.

Respectfully submitted,

By Michael E. Belk
Michael E. Belk, Reg. 33,357
Attorney
(914) 333-9643

nl000430.am3.ber.doc